Hon. Thomas P. Griesa, U.S.D.J.
Daniel Patrick Moynihan
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March 6, 2017

Via ECF

Re: *Azkour v. BRC, et al.*, 13-cv-5878-TPG

Dear Judge Griesa:

On March 6, 2017, counsel for the BRC Defendants and the Law Firm Defendants submitted another letter to this Court in a defying furtherance of his violations of Plaintiff's rights under the Privacy Rule of the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"). *See* Docket Entry No. 160. Without securing any written authorization from Plaintiff, counsel's letter discusses the fraudulent misdiagnoses – an identifiable healthcare information – made by Defendant Kedzior and her staff.

Before going any further, Plaintiff would like to first remind this Court that he had already warned counsel and his clients that their violations constitute a criminal pattern. As a result, the U.S. Department of Justice referred Defendant BRC to the Special Litigation Section, Civil Rights Division, for investigation. Upon information and belief, they were served with process as reflected by the letter dated March 6, 2017. *See* EXHIBIT A. Although they are being investigated by said agency, counsel seems to relish his moments of glory in a pattern of absurd and euphoric series of misconducts and criminal acts.

While Mr. Kovner boasts of almost 40 years of law practice, the most disturbing aspect of his incoherent and sophistic arguments is that he has heretofore been acting in total ignorance of the law.

Here's why.

This Court is reminded that the Law Firm Defendants, including Mr. Kovner, are *employees* and *agents* of the BRC Defendants. Considering that Defendant BRC is a HIPAA-covered entity, its employees are bound by the privacy of Plaintiff's identifiable healthcare information. Therefore, Mr. Kovner is violating Plaintiff's rights on this Court's watch. In addition, there is a breach of the agreement's terms and conditions relative to disclosure, in which both Defendant BRC and Plaintiff entered.

Moreover, by using Judge Sullivan's rulings out of their context, Mr. Kovner is again misleading and committing fraud on this Court. The February 11, 2015 ruling, from which he quoted an excerpt, does not establish that Plaintiff suffers from mental illness. Nor does it support the fact that Plaintiff made statements – for the purpose of diagnosis – to any physician about any alleged mental health condition.

Judge Sullivan's ruling is clearly referring to a fraudulent medical report dated July 18, 2011, which was issued and signed by Defendant Stuthers. *See* Third Amended Complaint at ¶¶ 88-106. Without apposing her signature on the report, Defendant Kedzior appears to be allegedly the *collaborating psychiatrist*[1]. Andrew S. Hoffmann, Esq., counsel for the defendants in *Azkour v. Haouzi, et al.*, 11-cv-5780 (RJS)(KNF), maliciously presented the medical report to the Honorable Kevin N. Fox, U.S.M.J, to support his contention that Plaintiff was mentally incompetent. Mr. Hoffmann obtained this fraudulent report from David Stein, Esq.[2], Plaintiff's then counsel in the related matter *Azkour v. Little Rest Twelve, Inc.*, 10-cv-4132 (RJS). Even though the fraudulent and inadmissible report does not speak of any mental

[1] Again, Plaintiff reiterates that he has never been examined by Defendant Kedzior or made any statements to her or any other practitioner for the purpose of a diagnosis.

[2] This is another reason why Mr. Stein was terminated. Mr. Kovner's reference to Plaintiff's relationship with Mr. Stein is innuendo and guessing.

incompetence, but rather two misdiagnoses, i.e., post-traumatic stress disorder and major depressive disorder, Mr. Hoffmann insisted that Plaintiff should not be allowed to prosecute *Haouzi* any further and that the Court should appoint a guardian ad litem.

Ironically, upon Mr. Hoffmann's request, Plaintiff conveniently filed a motion pursuant to Fed. R. Civ. P. 17(c). Beforehand, Plaintiff kneew that the motion would be denied because Mr. Hoffmann's allegations of mental incompetence were evidently an *in terrorem* tactic and the BRC medical report was inescapably a piece of rubbish. Effectively, Magistrate Judge Fox denied the motion because Defendant Stuthers and Defendant Kedzior's report is not admissible in a court of law and does not establish any mental health condition, let alone mental incompetence.

Ultimately, as reflected by his letter, Mr. Kovner abhors the certainty of facing the truth – the inevitable truth that his clients committed fraud. This is another reason why he insists that no conference should take place and that Plaintiff's authenticated medical records should not be presented to the Court.

Plaintiff has now demonstrated to this Court that the BRC Defendants' and the Law Firm Defendants' conduct is based on fraud and deceit. They have no other purpose but to harass

Plaintiff and show their utter disrespect for this Court.

If Mr. Kovner continues along this path, he might find himself experiencing the same *inconveniences*[3] that Mr. Hoffmann experienced when he falsely and maliciously reported to the U.S. Marshals that Plaintiff is mentally ill and that he threatened him with acts of violence.

WHEREFORE, Plaintiff respectfully requests that the Court direct counsel for the Law Firm Defendants and the BRC Defendants to cease and desist from further violating Plaintiff's protected HIPAA rights, from engaging in unconstructive *ad hominem attacks,* and from deceitfully referring to matters of which he has no knowledge and which he cannot support by evidence.

[3] Mr. Kovner should give this term its fullest meaning. A panel of three judges from the Second Circuit became aware of Mr. Hoffmann's childish misconduct and received their *opinion* in the matter.

Respectfully submitted,

Hicham Azkour, *pro se*